

**From:** Stephen North  
**To:** Microsoft ATR  
**Date:** 1/14/02 11:10pm  
**Subject:** MICROSOFT SETTLEMENT

Dear Judge;

I see two major problems (and many minor ones) in the PFJ as currently configured.

1. The Three-Man Compliance Team. The Agreement requires a three-man compliance team to oversee Microsoft's compliance with the Agreement. Microsoft will appoint one person, the Justice Department another, and the third will be chosen by the two people already appointed. This new team will not be allowed to inform the public of their work, and cannot impose fines. Their sole remedy for infractions is informing the Justice Department of the infraction and then the Justice Department will have to commence litigation to stop the infraction. The Justice Department does not need a compliance group to tell them when Microsoft is doing something wrong, so in reality this group is just a smoke screen.
2. Market Share. All other businesses in the U.S. market that have a ninety percent market share are considered per-se monopolies and are regulated or have some sort of government oversight (i.e. utilities, local phone companies, cable companies etc.). This is done because it is in such a company's best interest (in the interest of their shareholders) to abuse their position. In other words, to gain maximum shareholder value, they are almost required to abuse their position. Why is Microsoft allowed a waiver to this general rule? Does Microsoft not try to gain optimum share value for their shareholders?

Certainly these are just two of the issues in a very flawed agreement. As a member of the consulting services industry for almost 20 years - my firm depends on a free market for software in order to support and satisfy our clients. Microsoft has, from my personal experience, never believed in free markets -and has done everything they can to extend their defacto monopoly at the expense of many, many others.

Please make the Dept of Justice do what is right for America - not just for the current Administration and their fat cats.

Thanks.

Stephen North  
Chicago ILL

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